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REFERENCE

1975

RAILWAY RELOCATION : DEFINITION OF
NET COST / MUNICIPAL FINANCE
BRANCH, MINISTRY OF TREASURY AND
ECONOMICS

1975



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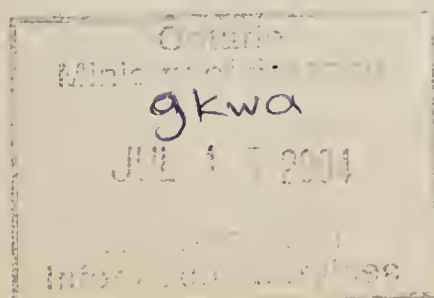
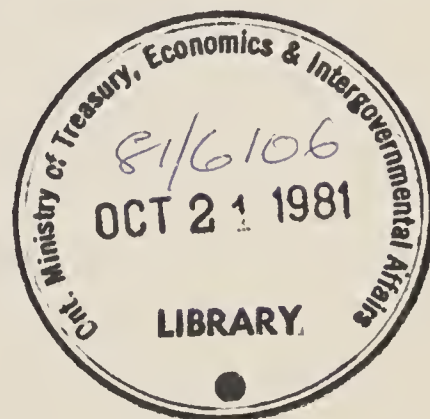
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RAILWAY RELOCATION - DEFINITION OF "NET COST"

Comments on including:

- (1) Servicing or development costs
- (2) Land Values and Appraisals



Municipal Finance Branch
Ministry of Treasury, Economics
& Intergovernmental Affairs

March, 1975.

RAILWAY RELOCATION - DEFINITION OF "NET COST"

Comments on including:

- (1) Servicing or development costs
- (2) Land Values and Appraisals

General

Comments on (i) the eligibility of servicing or development costs as part of "net costs" which will be shared by the governments concerned and on (ii) the methodology to be used to establish the value of lands that are vacated or acquired to implement railroad relocations, are all made in response to the specific request by the members of the tri-level technical committee on railroad relocation. In addition, all comments are made in the context of property owners, users, etc. other than municipalities or the Crown in right of Ontario or the Government of Canada.

(1) Servicing or Development Costs:

Revenues to meet the cost of providing local government services for any development within a municipal jurisdiction can be raised by:

- (i) General property taxation
- (ii) Local Improvement or Special Charges
- (iii) Area rates or levies
- (iv) User Charges
- (v) Developer Charges

Assuming the ultimate user of vacated lands and the user of lands where railroads are relocated will be subject to property taxation (i.e. user will not qualify for a legal "exempt" designation as defined in the Ontario Assessment Act), the users would be subject to the various provisions (including constraints) for the first four revenue raising instruments available to municipalities and school

boards. Within the tri-level committee there seems to be general agreement that ultimate property owners and tenants of properties affected by railroad relocation will be taxpayers as defined under general Ontario legislation. More specifically, no mention has been made that implementing railroad relocation in Ontario will require the creation of a new special category of taxpayers for property taxes and other charges or levies that local government jurisdictions can impose. The main issue in this area is developer charges.


Current legislation permits municipalities to charge back directly to developments the cost of both: (a) "on-site" services or works, and (b) "off-site" services or works that municipalities may deem necessary.

(a) "On-Site" Municipal Service or Development Charges

"On-site" services or works refer to structures and facilities within the boundaries of a proposed development as well as those immediately abutting that development. Section 35(a) of The Ontario Planning Act (reproduced in the attached Appendix) is the main legal authority for municipalities requiring developers either to provide the structures, facilities, etc. on the site to be developed or to make cash contributions to cover those costs.

The various provisions in Section 35 are quite clear and as stated above, they are reproduced in the attached Appendix. Nevertheless, two main points should be stressed here.

- (i) This specific authority for "on-site" development charges is limited to sub-divisions, but some



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municipalities have private Acts which permit the same kind of authority to be exercised for developments requiring zoning changes.

- (ii) Municipalities can refuse to issue building permits if its requirements under Section 35 are not satisfied.

(b) "Off-Site Service or Development Charges

Municipalities can recover "off-site" service, facilities, etc. costs under the provisions of Section 359 of The Ontario Municipal Act and Sections 29 and 33 of The Planning Act. The provisions under The Municipal Act can be applied against any type of building development, but the charges are limited to the cost of sewage or water works. The Planning Act provisions refer to subdivisions, but the services or facilities can be very broad. Section 29(3) states:

a municipality may as a condition to the passage of a by-law under subsection (2), (usually a by-law approval of a sub-division proposal) impose such conditions in respect of any land described in the by-laws it considers appropriate.

Conditions deemed appropriate by municipalities in Ontario typically include lot levies or developer charges for arterial roads and other major capital works. Section 33(6) permits municipalities to impose its conditions on both current and subsequent owners of the lands concerned.

Since the authority granted to municipalities is so broad and practices within Ontario vary, it is impossible to supply a prescribed list of services, other development charges or amounts for universal application. At the very least, prevailing policy in the applicant municipality should be followed. To the extent that the scale and nature of a railroad relocation project is so different from past experience in a municipality, an 'ad hoc' arrangement should be negotiated. Regardless, in principle, there should be no question that "off-site" service costs should be eligible for consideration in determining "net cost"

(2) Land Values and Appraisals

No definitive methods of land valuation or appraisal will be offered here. Specific methods were not the basis for the comments or questions raised at the technical committee meetings.

However, assurance was sought that the matter of land valuation (both any vacated lands and lands acquired for the purpose of implementing railroad relocation) would be treated as an important matter. For some areas, vacated lands may significantly affect the supply of vacant land of a particular type (e.g. commercial, industrial, etc.). Valuation of such lands could be a complex matter requiring comprehensive economic analyses for the whole area. Such analyses may be expensive. Assurance was sought that such expenses would be included as eligible for cost-sharing at the study-for-application stage.

APPENDIX

THE PLANNING ACT

Revised Statutes of Ontario, 1970

CHAPTER 349

as amended by

1971, Chapter 2; 1972, Chapter 118 and 1973, Chapter 168

PART II

SUBDIVISIONS

29.—(1) In this section, “consent” means,Interpre-
tation

- (a) in the case of land situate in a municipality that forms part of a county for municipal purposes or situate in a municipality that is within a metropolitan, regional or district municipality,
 - (i) a consent given by the committee of adjustment of such municipality under subsection 3 of section 42, if such committee was constituted prior to the 15th day of June, 1970, or by such committee constituted on or after the 15th day of June, 1970, if the municipality has an official plan approved by the Minister, or
 - (ii) where there is no committee of adjustment referred to in subclause i, a consent given by the land division committee constituted under section 30, or
 - (iii) where there is no committee of adjustment referred to in subclause i, or no land division committee referred to in subclause ii, a consent given by the Minister;
- (b) in the case of land situate in a municipality that does not form part of a county for municipal purposes or situate in a municipality that is not within a metropolitan, regional or district municipality, or situate in a municipality in a territorial district,
 - (i) a consent given by the committee of adjustment of such municipality under subsection 3 of section 42, if such committee was constituted prior to the 15th day of June, 1970, or by such committee constituted on or after the 15th day of June, 1970, if the municipality has an official plan approved by the Minister, or
 - (ii) where there is no committee of adjustment referred to in subclause i, a consent given by the Minister; or
- (c) in the case of land situate in territory without municipal organization, a consent given by the Minister.

PLANNING

Subdivision
control

(2) No person shall convey land by way of a deed or transfer, or grant, assign or exercise a power of appointment with respect to land, or mortgage or charge land, or enter into an agreement of sale and purchase of land or enter into any agreement that has the effect of granting the use of or right in land directly or by entitlement to renewal for a period of twenty-one years or more unless,

- (a) the land is described in accordance with and is within a registered plan of subdivision; or
- (b) the grantor by deed or transfer, the person granting, assigning or exercising a power of appointment, the mortgagor or chargor, the vendor under an agreement of purchase and sale or the grantor of a use of or right in land, as the case may be, does not retain the fee or the equity of redemption in, or a power or right to grant, assign or exercise a power of appointment with respect to, any land abutting the land that is being conveyed or otherwise dealt with; or
- (c) the land or any use of or right therein is being acquired or disposed of by Her Majesty in right of Canada or Her Majesty in right of Ontario or by any municipality, metropolitan municipality, regional municipality, district municipality or county; or
- (d) the land or any use of or right therein is being acquired for the construction of a transmission line as defined in *The Ontario Energy Board Act* and in respect of which the person acquiring the land or any use of or right therein has made a declaration that it is being acquired for such purpose, which shall be conclusive evidence that it is being acquired for such purpose; or
- (e) a consent is given to convey, mortgage or charge the land, or grant, assign or exercise a power of appointment with respect to the land or enter into an agreement with respect to the land.

R.S.O. 1970,
c. 312

Designation
of plans of
subdivision
not deemed
registered

(3) The council of a municipality may by by-law designate any plan of subdivision, or part thereof, that has been registered for eight years or more, which shall be deemed not to be a registered plan of subdivision for the purposes of subsection 2.

Part-lot
control

(4) Where land is within a plan of subdivision registered before or after the coming into force of this section, no person shall convey a part of any lot or block of the land by way of a deed or transfer, or grant, assign or exercise a power of appointment with respect to a part of any lot or block of the land, or mortgage or charge a part of any lot or block of the land, or enter into an agreement of sale and purchase of a part of any lot or block of the land or enter into any agreement that has the effect of granting

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the use of or right in a part of any lot or block of the land directly or by entitlement to renewal for a period of twenty-one years or more unless,

- (a) the grantor by deed or transfer, the person granting, assigning or exercising a power of appointment, the mortgagor or chargor, the vendor under an agreement of purchase and sale or the grantor of a use of or right in land, as the case may be, does not retain the fee or the equity of redemption in, or a power or right to grant, assign or exercise a power of appointment with respect to, any land abutting the land that is being conveyed or otherwise dealt with; or
- (b) the land or any use of or right therein is being acquired or disposed of by Her Majesty in right of Canada or Her Majesty in right of Ontario or by any municipality, metropolitan municipality, regional municipality, district municipality or county; or
- (c) the land or any use of or right therein is being acquired for the construction of a transmission line as defined in *The Ontario Energy Board Act* and in respect of which the person acquiring the land or any use of or right therein has made a declaration that it is being acquired for such purpose, which shall be conclusive evidence that it is being acquired for such purpose; or
- (d) a consent is given to convey, mortgage or charge the land or grant, assign or exercise a power of appointment with respect to the land or enter into an agreement with respect to the land. R.S.O. 1970, c. 349, s. 29 (1-4).

(5) Notwithstanding subsection 4, the council of a municipality may by by-law provide that subsection 4 does not apply to land that is within such registered plan or plans of subdivision or part or parts thereof as is or are designated in the by-law, and, where the by-law is approved by the Minister, subsection 4 ceases to apply to such land provided that the by-law, without requiring the approval of the Minister, may be repealed, or may be amended to delete part of the lands described therein, and when the requirements of subsection 10 have been complied with, subsection 4 thereupon applies to the lands affected by the repeal or amendment. R.S.O. 1970, c. 349, s. 29 (5); 1972, c. 118, s. 3.

(5a) Where a person conveys land or grants, assigns or exercises a power of appointment with respect to land, or mortgages or charges land, or enters into an agreement of sale and purchase of land, or enters into any agreement that has the effect of granting the use of or right in land directly or by entitlement to renewal for a period of twenty-one years or more by way of simultaneous conveyances of abutting lands or by way of other simultaneous dealings with abutting lands, the person so conveying or other-

PLANNING

wise dealing with the lands shall be deemed for the purposes of subsections 2 and 4 to retain, as the case may be, the fee or the equity of redemption in, or the power or right to grant, assign or exercise a power of appointment with respect to, land abutting the land that is being conveyed or otherwise dealt with. 1971, c. 2, s. 1 (1).

Partial
discharges,
etc.,
effect of

(5b) Where a person gives a partial discharge of a mortgage on land or gives a partial cessation of a charge on land, the person giving the partial discharge or partial cessation shall be deemed to hold the fee in the lands mentioned in the mortgage or charge and to retain, after the giving of the partial discharge or partial cessation, the fee in the balance of the lands, and for the purposes of this section shall be deemed to convey by way of deed or transfer the land mentioned in the partial discharge or partial cessation.

Saving

(5c) Subsection 5b does not apply to a partial discharge of mortgage or partial cessation of charge where the land described in the partial discharge or partial cessation includes only the whole of one or more lots or blocks within a registered plan of subdivision, unless such plan of subdivision has been designated under subsection 3.

Application
to ARDA

(5d) This section does not apply so as to prevent the Agricultural Rehabilitation and Development Directorate of Ontario from conveying or leasing land where the land that is being conveyed or leased comprises all of the land that was acquired by the Directorate under one registered deed or transfer. 1973, c. 168, s. 6.

Consent to
lapse after
two years

(6) Any consent mentioned in subsection 2 or 4 shall lapse, in the case of a consent given by the Minister, at the expiration of two years after the date upon which the consent was granted, and in the case of a consent given by the committee of adjustment or the land division committee, at the expiration of two years after the date of the certificate given under subsection 20 of section 42, unless within such period,

- (a) an agreement was entered into for the sale and purchase of the land in respect of which the consent was granted or that has the effect of granting the use of or right in land directly or by entitlement to renewal for a period of twenty-one years or more; or
- (b) the land in respect of which the consent was granted was conveyed, mortgaged or charged or a power of appointment with respect to the land was exercised,

provided that the committee of adjustment, the land division committee or the Minister, as the case may be, in granting the consent may provide for an earlier lapsing of the consent. R.S.O. 1970, c. 349, s. 29 (6); 1971, c. 2, s. 1 (2).

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(7) An agreement, conveyance, mortgage or charge made, or a power of appointment granted, assigned or exercised in contravention of this section or a predecessor thereof does not create or convey any interest in land, but this section does not affect an agreement entered into subject to the express condition contained therein that such agreement is to be effective only if the provisions of this section are complied with.

Conveyance, etc., contrary to section not to create or convey interest in land

(8) A certified copy or duplicate of every by-law passed under subsection 3 shall be lodged by the clerk of the municipality in the office of the Minister.

Copy of by-law to be lodged with Minister

(9) A by-law passed under subsection 3 is not effective until the requirements of subsections 10 and 11 have been complied with.

When by-law effective

(10) A certified copy or duplicate of every by-law passed under this section shall be registered by the clerk of the municipality in the proper registry or land titles office.

Copy of by-law to be registered

(11) The clerk of the municipality shall send by registered mail notice of the passing of a by-law under subsection 3 to each person appearing by the last revised assessment roll to be the owner of land to which the by-law applies, which notice shall be sent to the last known address of each such person.

Notice of by-law to be mailed to owners of affected land

(12) A committee of adjustment, a land division committee and the Minister, in determining whether a consent is to be given shall have regard to the matters that are to be had regard to under subsection 4 of section 33 and have the same powers with respect to a consent as the Minister has with respect to an approval of a plan of subdivision under subsections 5 and 8 of section 33, and shall require that all conditions imposed be fulfilled prior to the granting of a consent.

Matters to be regarded in determining consent, conditions

(13) Where on the granting of a consent a condition has been imposed that land be conveyed for public purposes other than highways, any land so conveyed may be sold by the municipality at any time and subsection 11 of section 33 applies to moneys received in lieu of a conveyance of such land and to moneys received from the sale of such land.

Special account

(14) Every municipality may enter into agreements imposed as a condition to the granting of a consent. R.S.O. 1970, c. 349, s. 29 (7-14).

Agreements

29a.—(1) The Minister may, by order, in respect of land described in the order provide that the contravention, before the 19th day of March, 1973, of section 29 of *The Planning Act* or a predecessor thereof or of a by-law passed under a predecessor of section 29 or of an order made under clause *b* of subsection 1 of section 27, as it existed on the 25th day of June, 1970, of *The*

Effect of contraventions of s. 29, etc., on conveyances heretofore made R.S.O. 1970, c. 349

PLANNING

Planning Act, being chapter 296 of the Revised Statutes of Ontario, 1960, or a predecessor thereof does not have and shall be deemed never to have had the effect of preventing the conveyance or creation of any interest in such land, provided that the order does not affect the rights acquired by any person from a judgment or order of any court, given or made on or before the day on which the order is filed with the Registrar of Regulations.

Proviso (2) No order shall be made by the Minister under subsection 1 in respect of land situate in a local municipality unless the council of the local municipality in which the land is situate has, by by-law requested the Minister to make such order, which such by-law the council is hereby empowered to pass.

Municipality
may impose
conditions (3) A municipality may, as a condition to the passage of a by-law under subsection 2, impose such conditions in respect of any land described in the by-law as it considers appropriate.

Proviso (4) Nothing in this section derogates from the power the Minister, a land division committee or a committee of adjustment has to grant consents referred to in section 29. 1973, c. 168, s. 7.

33.—(1) When land is to be subdivided for the purpose of being sold, conveyed or leased in lots by reference to a registered plan of subdivision, the owner of the land or someone authorized by him in writing shall forward at least eight, or as many as may be required, copies of a draft plan thereof drawn to scale, together with an application for approval, to the Minister.

Application
for approval
of sub-
division
plans

(2) The draft plan shall show the boundaries of the land to be subdivided, certified by an Ontario land surveyor, and shall indicate,

What draft
plan to
indicate

- (a) the locations, widths and names of the proposed highways within the proposed subdivision and of existing highways on which the proposed subdivision abuts;
- (b) on a small key plan, on a scale of not less than one inch to 1,000 feet, all of the land adjacent to the proposed subdivision that is owned by the applicant or in which the applicant has an interest, and the information specified under clause c;
- (c) every adjoining subdivision and the relationship thereto of the lands proposed to be subdivided, and the relationship of the boundaries of the land to be subdivided to the boundaries of the township lot or other original grant of which such land forms the whole or part;
- (d) the purpose for which the lots are to be used;
- (e) the nature of the existing uses of adjoining land;
- (f) the approximate dimensions and layouts of the proposed lots;
- (g) natural and artificial features such as buildings, railways, highways, watercourses, drainage ditches, swamps and wooded areas within or adjacent to the land proposed to be subdivided, and anything within or adjacent to such land that constitutes a fire hazard to the proposed subdivision;
- (h) the availability and nature of domestic water supplies;
- (i) the nature and porosity of the soil;
- (j) such contours or elevations as may be required to determine the grade of the highways and the drainage of the land;
- (k) the municipal services available or to be available to the land proposed to be subdivided; and
- (l) the nature and extent of any restrictive covenants or easements affecting the land proposed to be subdivided.

Minister to
confer

(3) The Minister may then confer with officials of municipalities and departments of the public service, commissions, authorities and any others who may be concerned and shall settle a draft plan that, in his opinion, will meet all requirements.

What
matters to
be regarded

(4) In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience and welfare of the future inhabitants and to the following:

- (a) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;
- (b) whether the proposed subdivision is premature or necessary in the public interest;
- (c) the suitability of the land for the purposes for which it is to be subdivided;

- (d) the number, width, location and proposed grades and elevations of highways, and the adequacy thereof, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity, and the adequacy thereof;
- (e) the dimensions and shape of the lots;
- (f) the restrictions or proposed restrictions, if any, on the land, buildings and structures proposed to be erected thereon and the restrictions, if any, on adjoining lands;
- (g) conservation of natural resources and flood control;
- (h) the adequacy of utilities and municipal services;
- (i) adequacy of school sites;
- (j) the area of land, if any, within the subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes. R.S.O. 1970, c. 349, s. 33 (1-4).

(5) The Minister may impose such conditions to the approval of a plan of subdivision as in his opinion are advisable and, in particular but without restricting in any way whatsoever the generality of the foregoing, he may impose as a condition,

Dedication
of land
for public
and highway
purposes

- (a) that land to an amount determined by the Minister but not exceeding 5 per cent of the land included in the plan shall be conveyed to the municipality for park purposes or, if the land is not in a municipality, shall be dedicated for park purposes;
- (b) that such highways shall be dedicated as the Minister considers necessary;
- (c) when the subdivision abuts on an existing highway that sufficient land, other than land occupied by buildings or structures, shall be dedicated to provide for the widening of the highway to such width as the Minister considers necessary; and
- (d) that the owner of the land enter into one or more agreements with the municipality dealing with such matters as the Minister may consider necessary, including the provision of municipal services. R.S.O. 1970, c. 349, s. 33 (5); 1972, c. 118, s. 5 (1).

(6) Every municipality may enter into agreements imposed as a condition to the approval of a plan of subdivision and any such agreement may be registered against the land to which it applies and the municipality shall be entitled to enforce the provisions thereof against the owner and, subject to the provisions of *The Registry Act* and *The Land Titles Act*, any and all subsequent owners of the land. R.S.O. 1970, c. 349, s. 33 (6); 1973, c. 168, s. 9.

Subdivision
agreements

R.S.O. 1970,
c. 409, 234

(7) Where the owner of the land or the municipality in which the land is situate is not satisfied as to the conditions imposed or to be imposed by the Minister, or any of them, he or it, at any time before the plan of subdivision is finally approved, may require the condition or conditions that are unsatisfactory to be referred to the Municipal Board by written notice to the secretary of the Board and to the Minister, and the Board shall then hear and determine the question as to the condition or conditions so referred to it, and the decision of the Board in respect of such condition or conditions has the same force and effect as if it were the decision of the Minister. R.S.O. 1970, c. 349, s. 33 (7).

Reference of
conditions

35a.—(1) In this section and in section 35b, “redevelopment” means the removal of buildings or structures from land and the construction or erection of other buildings or structures thereon. Interpre-
tation

(2) Where there is an official plan in effect in a municipality, the council of the municipality in a by-law passed under section 35 may, as a condition of development or redevelopment of land or buildings in the municipality or in any defined area or areas thereof, prohibit or require the provision, maintenance and use of the following facilities and matters or any of them and may regulate the maintenance and use of such facilities and matters: Development
control

1. Widenings of highways that abut on the land that is being developed or redeveloped.
2. Subject to *The Public Transportation and Highway Improvement Act*, facilities to provide access to and from the land such as access ramps and curbs including the number, location and size of such facilities and the direction of traffic thereon. R.S.O. 1970,
c. 201
3. Off-street vehicular parking and loading areas and access driveways including the surfacing of such areas and driveways.
4. Walkways and all other means of pedestrian access.
5. Removal of snow from access ramps, driveways, parking areas and walkways.
6. Grading or change in elevation or contour of the land and the disposal of storm, surface and waste water from the land and from any buildings or structures thereon.
7. Conveyance to the municipality, without cost, of easements required for the construction, maintenance or improvement of any existing or newly required water-courses, ditches, land drainage works and sanitary sewerage facilities on the land.
8. Floodlighting of the land or of any buildings or structures thereon.
9. Walls, fences, hedges, trees, shrubs or other suitable groundcover to provide adequate landscaping of the land or protection to adjoining lands.
10. Vaults, central storage and collection areas and other facilities and enclosures as may be required for the storage of garbage and other waste material.
11. Plans showing the location of all buildings and structures to be erected on the land and the location of the other facilities required by the by-law.
12. Perspective drawings and plans showing building elevations and cross sections of industrial and commercial buildings and residential buildings containing twenty-five or more dwelling units.

Proviso

(3) Nothing in paragraph 12 of subsection 2 shall be deemed to confer on the council of the municipality power to limit the height or density of buildings to be erected on the land.

Provisions
of by-law

(4) A by-law that includes provisions authorized by subsection 2 may,

R.S.O. 1970,
c. 284

- (a) provide that facilities and matters required by the by-law shall be provided and maintained by the owner of the land at his sole risk and expense and to the satisfaction of the municipality, and that in default thereof the provisions of section 469 of *The Municipal Act* shall apply;
- (b) require that the owner of the land enter into one or more agreements with the municipality dealing with the facilities and matters referred to in subsection 2; and
- (c) prohibit the issuance of building permits until the plans referred to in paragraphs 11 and 12 of subsection 2 have been approved by the municipality and until the agreements referred to in clause *b* have been entered into.

(5) Any agreement entered into, as referred to in clause *b* of subsection 4, may be registered against the land to which it applies and the municipality is entitled to enforce the provisions thereof against the owner and, subject to the provisions of *The Registry Act* and *The Land Titles Act*, any and all subsequent owners of the land.

Registration
of agreements

R.S.O. 1970,
cc. 409, 234

(6) Where the municipality fails to approve the plans referred to in paragraphs 11 and 12 of subsection 2 within thirty days after they are submitted to the municipality for approval or where the owner of the land is not satisfied as to the terms of the proposed agreement referred to in clause *b* of subsection 4 or where the municipality has refused to enter into such an agreement with the owner, the owner of the land may require the plans or agreement, as the case may be, to be referred to the Municipal Board by written notice to the secretary of the Board and to the clerk of the municipality, and the Board shall then hear and determine the question as to the suitability of the plans or of the provisions of the agreement and the Board shall settle and determine the details of the plans and approve the same and settle and determine the provisions of the agreement and may require the municipality to enter into it, and the decision of the Board shall be final. 1973, c. 168, s. 10, *part*.

Appeal to
O.M.B.

THE MUNICIPAL ACT

Revised Statutes of Ontario, 1970

CHAPTER 284

as amended by

1971, Chapters 81 and 98, s.4, Sched., par. 23;
 1972, Chapters 121, 124 and 169; 1973, Chapters 83 and 175

Special
charges to
provide
additional
sewer or
water
supply
capacity

359.—(1) With the approval of the Municipal Board, councils of local municipalities may, by by-law, define the class or classes of buildings to be erected or enlarged after the effective date of the by-law that impose or may impose a heavy load on the sewer system or water system, or both, by reason of which expenditures are or may be required to provide additional sanitary or storm sewer or water supply capacity that in the opinion of a council would not otherwise be required, and may impose upon the owners of such buildings a special charge or charges over and above all other rates and charges to pay for all or part of the cost of providing the additional capacity.

(2) The special charge or charges under any by-law shall refer specifically to sewage works or water works as defined in section 362, or to both, as the case may be.

Charges to
refer to
specific
works

(3) The proceeds of the charge or charges authorized by any such by-law shall be deemed to be a reserve fund established under section 308.

Application
of proceeds

(4) The by-law may provide that the charge or charges imposed under it are a lien upon the land on which the building is erected, and may be collected in the same manner and with the same remedies as provided by this Act for the collection of real property taxes.

Charges a
lien on
land

(5) Any charge or charges to be imposed under the by-law may be made payable on an application for a building permit or at any time thereafter.

When
charges may
be made
payable

(6) The following are exempt from any charge or charges imposed under the by-law:

Exemptions

1. Every building on land exempt from taxation under any general or special Act.
2. Every building on land in respect of which an agreement has been entered into with the municipality under section 33 of *The Planning Act* or any predecessor thereof.
3. Every building or any land in respect of which a contribution to provide sanitary or storm sewers or water supply facilities has been made within the ten years previous to the application for a building permit, to the extent of the contribution so made.
4. Every residential building having not more than two dwelling units.
5. Every building, other than a residential building, with an inside floor area of not more than 3,000 square feet.

R.S.O. 1970,
c. 319

R.S.O. 1970, c. 284, c. 359.

REFERENCE COPY

HE/1614/.C2/.R34

Ontario. Ministry of Treas

Railway relocation :

definition of net gkwa

c.1 tor mai

